

### **REMARKS**

The Office Action dated January 7, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 11, 18, 20, 28, 31, and 34 have been amended, and claims 37-38 have been added, to more particularly point and distinctly claim the subject matter of the present invention. No new matter has been added. Accordingly, claims 1-38 are pending in the application, of which claims 1, 11, 18, 28, and 35-38 are independent claims.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

As an initial matter, Applicants respectfully submit that the Office Action is deficient because it is incomplete. The Office Action neither mentioned nor rejected claims 35-36, which were added in the previous Response dated August 22, 2008. However, under MPEP 707.07(i), "In every Office action, each pending claim should be mentioned by number, and its treatment or status given." In this case, it is clear that the Office Action failed to mention claims 35-36, which were added in the previous Response, and to give their treatment or status. Thus, Applicants respectfully submit that the Office Action is improper because it is incomplete, and respectfully request that the finality of the Office Action be withdrawn.

***Claim Rejections - 35 U.S.C. 102***

Claims 1-10 and 18-27 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,628,954 of McGowan et al. ("McGowan"). Applicants respectfully submit that each of claims 1-10 and 18-27 recites subject matter that is neither disclosed nor suggested in McGowan.

Independent claim 1, upon which claims 2-10 depend, is directed to a method including receiving a connection context request to establish a connection between a mobile station and a gateway element of a network. The method also includes determining whether binding information is required. The method further includes determining whether the binding information was supplied with the connection context request. The method additionally includes when the binding information is required and was not supplied, responding to the request on the basis of a policy determined by the operator of the network.

Independent claim 18, upon which claims 19-27 depend, is directed to an apparatus including a receiver configured to receive a connection context request from a mobile station. The apparatus also includes a processor configured to determine whether binding information is required, to determine whether binding information was supplied with the connection context request, and when the binding information is required and was not supplied, to respond to the request on the basis of a policy determined by the operator of the network.

Applicants respectfully submit that McGowan fails to disclose or suggest all of the features of any of the presently pending claims.

McGowan describes a method and a system for accessing wireless data services that reduce messaging and enable roaming subscribers to access data services. A wireless communication system includes at least a service control point and a gateway system (*e.g.*, a Gateway Generalized Packet Radio Service Serving Node (GGSN)) that is coupled to a data network. To obtain access to data services, a wireless subscriber unit establishes communication with a gateway system and requests data services from the gateway system. In response to the request, the gateway system queries the service control point regarding authorized data services for the subscriber unit. If the gateway system receives a negative reply from the service control point, then the gateway system denies access to the data services by the subscriber Unit. However, if the gateway system receives a positive reply from the service control point, then the gateway system enables access to the data services by the subscriber unit (*see* McGowan at Abstract).

However, McGowan fails to disclose or suggest, at least, “determining whether binding information is required,” as recited in independent claim 1 and similarly recited in independent claim 18. The Office Action asserted that these features are disclosed by McGowan at Figure 3 and column 5, lines 27-31. In the cited portion, McGowan refers to a GGSN receiving a “create Packet Data Protocol (PDP) context” request, and in response to the request, performing normal procedures for context establishment for a subscriber unit, including authentication of the subscriber. McGowan also refers to the

“create PDP context” request containing the parameters necessary to establish a requested PDP context (*see* McGowan at column 5, lines 16-20).

However, McGowan does not disclose or suggest determining whether any such parameters are required. Accordingly, McGowan fails to disclose or suggest, at least, “determining whether binding information is required,” as recited in independent claim 1 and similarly recited in independent claim 18. In other words, McGowan does not account for the situation where the parameters to establish the requested PDP context are not required during the procedures for context establishment. For example, the binding information of the claimed invention may be not required if an Access Point Name (APN) in a PDP context request is not in a list of APNs that require authorization (*see* Specification at page 8, line 24, to page 9, line 2).

Furthermore, McGowan fails to disclose or suggest, at least, “determining whether the binding information was supplied with the connection context request,” as recited in independent claim 1 and similarly recited in independent claim 18. The Office Action asserted that these features are disclosed by McGowan at Figure 3 and column 5, lines 42-52. In the cited portion, McGowan refers to the GGSN utilizing an APN of the “create PDP context” request to distinguish requests to utilizing pre-paid data service, and issuing a query to a service control point (SCP) regarding authorized pre-paid data service for the subscriber unit. A typical query contains a Mobile Station Integration Services Digital Network (MSISDN) to identify the subscriber and a pre-paid service key to indicate that pre-paid data service is desired (*see* McGowan at column 5, lines 46-50).

In response to receipt of the query, the SCP verifies whether the subscriber has subscribed to pre-paid data services and has a sufficient account balance for the requested session (*see* McGowan at column 5, lines 50-53).

However, McGowan does not disclose or suggest determining whether parameters, such as the APN and the MSISDN, were supplied with the “create PDP context” request. Accordingly, McGowan fails to disclose or suggest, at least, “determining whether the binding information was supplied with the connection context request,” as recited in independent claim 1 and similarly recited in independent claim 18. As discussed above, McGowan also refers to the “create PDP context” request containing the parameters necessary to establish the requested PDP context. However, McGowan does not account for the situation where the “create PDP context” request does not contain the parameters necessary to establish the requested PDP context. In addition, the verifying by the SCP of McGowan cannot correspond to the determining whether the binding information was supplied of the claimed invention because the SCP of McGowan verifies whether the subscriber has subscribed to pre-paid data services, not whether binding information was supplied with a connection context request.

For at least the reasons discussed above, Applicants respectfully submit that McGowan fails to disclose or suggest all of the elements of independent claims 1 and 18. Accordingly, Applicants respectfully request that the rejection of independent claims 1 and 18 be withdrawn.

Claims 2-10 and 19-27 depend from, and further limit, independent claims 1 and 18. Thus, each of claims 2-10 and 19-27 recites subject matter that is neither disclosed nor suggested in McGowan. Accordingly, Applicants respectfully request that the rejection of claims 2-10 and 19-27 be withdrawn.

Claims 11-17 and 28-34 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Appln. Pub. No. 2004/0153551 of Haumont ("Haumont"). Applicants respectfully submit that each of claims 11-17 and 28-34 recites subject matter that is neither disclosed nor suggested in Haumont.

Independent claim 11, upon which claims 12-17 depend, is directed to a method including receiving a connection context request to establish a connection between a mobile station and a network gateway element in the network gateway element, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering. The method also includes sending an authorization request from the network gateway element to a network policy control element. The method further includes receiving a packet classifier from the policy control element in response to the authorization request, the packet classifier being configured for use by the gateway element. The method additionally includes determining in the network gateway whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier. The method also includes when there is a conflict, informing the mobile station.

Independent claim 28, upon which claims 29-34 depend, is directed to an apparatus including a receiver configured to receive a connection context request from a mobile station, the connection context request including binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering. The apparatus also includes a transmitter configured to send an authorization request from the apparatus to a network policy control element. The receiver is configured to receive a packet classifier from the policy control element in response to the authorization request, the packet classifier being intended for use by the apparatus. The apparatus further includes a processor configured to determine whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier, and when there is a conflict, to inform the mobile station.

Applicants respectfully submit that Haumont fails to disclose or suggest all of the features of any of the presently pending claims.

Haumont describes routing packets belonging to different quality of service flows in a packet data network system. For each application initiated by a subscriber equipment with an associated quality of service flow in a multi-session connection settings of a network node hosting the application are obtained. From the obtained settings configuration information are determined and packets are routed from the network system to the subscriber equipment for each initiated application in accordance with the configuration information (*see* Haumont at Abstract).

However, Haumont fails to disclose or suggest, at least, “determining in the network gateway whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier,” as recited in independent claim 11 and similarly recited in independent claim 28. The Office Action asserted that these features are disclosed by Haumont at paragraph 26. In the cited portion, Haumont refers to when a configuration device cannot configure parameters set by an application directly, the configuration device may obtain settings of the application in a subscriber equipment and provide the subscriber equipment configuration information. The configuration information is filters called Traffic Flow Template (TFT) based on the type of service information and appropriate Quality of Service (QoS) parameters derived from possibly operator policy (*see* Haumont at paragraphs 7, 23, and 26).

However, Haumont does not disclose or suggest that the configuration device determines whether a conflict exists between attribute values of traffic flow parameters and a packet classifier. Accordingly, Haumont fails to disclose or suggest, at least, “determining in the network gateway whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier,” as recited in independent claim 11 and similarly recited in independent claim 28. As discussed above, Haumont refers to the configuration device only determining whether it can configure the parameters set by the application directly, obtaining the settings of the application, and providing the configuration information. In particular, Haumont does not disclose or suggest the packet classifier of the claim invention and the conflict between the attribute



values of the traffic flow parameters and the packet classifier. Even if the traffic flow parameters and the packet classifier of the claimed invention corresponds to the configuration information of Haumont (which it does not), Haumont fails to disclose or suggest any conflict between the configuration information.

For at least the reasons discussed above, Applicants respectfully submit that Haumont fails to disclose or suggest all of the elements of independent claims 11 and 28. Accordingly, Applicants respectfully request that the rejection of independent claims 11 and 28 be withdrawn.

Claims 12-17 and 29-34 depend from, and further limit, independent claims 11 and 28. Thus, each of 12-17 and 29-34 recites subject matter that is neither disclosed nor suggested in Haumont. Accordingly, Applicants respectfully request that the rejection of claims 12-17 and 29-34 be withdrawn.

Reconsideration and allowance of claims 1-34 are, thus, respectfully submitted.


### ***Conclusion***

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is thus respectfully requested that all of claims 1-38 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time  
Additional Claim Fee Transmittal  
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